Reserve

App. F. IX-4

Previous References

1936-37 (Ltr.)

File No. 158-86

Serial Nos. 1 to 2

Letter References.

L.B. 46-37-85, 7, 16

L.B. 78-38-85 1 and 2

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Two

Part B for June 43)

SUBJECT.

Re - Powers and Functions of the two Local Bodies viz - District Board and Village Panchayat.

8(2) To the Pol. & Dev. Bd Bangalore Thro the D.C. Bellary

No L 76 9/11-2/37

Informing him that no action is called for in the present circulars.

WD 0418—GPB—22,500—29-8-36

W.A.R. 3/7/37

powers and functions of the two Local Bodies
viz. Dt Board and Village Panchayet 54.53

Serial No.

Letter No C2-431/36-37 dated 27th May 937 from the Pdt Dt Board Bangalore, pointing out that in certain cases the provisions of the Dt Board Regulation overlap and conflict with certain sections of the Village Panchayet Regn. and soliciting a clear ruling of Govt on these matters so that the subject and powers of the two Local Bodies may not differ.

Subject

The first point raised by the President of the Bangalore Dt Board is that the powers vested under Sec 55 of the Dt Bd Regn permitting the Dt Board President to prevent the use of premises for certain purposes specified in schedule II of the Dt Bd Regn without ~~taking~~ obtaining a license from him, is in conflict with Sec 30(1) of the Village Panchayet Regn which empowers the Village Panchayet to prohibit the use of any place within the Village Panchayet area for carrying on certain offensive and dangerous trades without obtaining a license from the Village Panchayet.

The Kind attention is invited to note No L 4652 LB 26-26-136 dated 17th June 1927

WD 0417—GPB—80,000—8-9-36

declaring Certain trades and Professions as Offensive and dangerous under Sec 30(1) of the V.P. Regn. As per the above notn, trading in Mutton is declared to be Offensive and section 30(1) of the V.P. Regn. vests power to the V.P. Chairman to grant licences to persons ~~dealing~~ intending to deal in these trades subject to Certain Conditions imposed in the licence.

2) Kind attn reqd is also invited to Para 2) of G.O. No 2 8811-13 LB 126-36-2 dated 3/6 May 1937 refusing to sanction the Bye-laws framed by the Shimoga Dt. Bd. in respect of Mutton Stalls on the ground that the jurisdiction of the Board will be concurrent with the powers of the Village Panchayat under Sec 30(1) of the V.P. Regn. (Kind reqd is also invited to the legal opinion expressed in Paras 8 to 10 of this file. dated 3/6/37 LB 126-36-1+2).

3) It is clear therefore that the powers of the Dt. Bd. under Sec 55 of the Dt. Bd. Regn. are subject to the provisions of Sec 30(1) of the V.P. Regn. and the President of the Dt. Bd. Cannot demand the taking out of licence by the Proprietors of Mutton stalls ~~the~~ situated within a Panchayet area. If approved, the Pdt of the Bangalore Dt Bd will be

Re. powers and functions of the two Local Bodies viz. Dt. Board and Village Panchayats

General and Revenue Secretariat | File No. 5453/L of 1936-37 5453/L [App. F. III—2

Serial No.

informed accordingly

1) The next point raised by the Pdt. of in Para 4) of the P. L. B. is too vague & general. Unless the Pdt. points out specific sections in the Dt. Bd. and V. P. Regn. which ~~are~~ ~~this~~ overlap and conflict with each other, no ruling of Govt. could perhaps be given on such indefinite suggestions

Submitted for order

10/6/37.

2) So far as the control and supervision of Municipalities is concerned, the position & the jurisdiction of the Dt Board & the V. P. are clearly explained in the Law Dept Secretary's opinion in L. D. 126-36 Ser (Paragraphs 8 to 9 of Note) This may be communicated to the Dt Board. As regards the other question, the Dt Board may point out the specific matters in which there is likely to be overlapping or conflict

Dev: Secy 11/6/37

Secretary 15.6.37

16/6/37 17.6.37

NOTE—Contn. Sheet.

WD 0417—GPB—30,000—8-9-36

Re- Rev Powers and functions of the two local Bodies - Dk BC L.V.P. Regulations

L. B. File No. 5453 of 1936-37

54553

General and Revenue Secretariat

Serial No

A draft letter to the President Dk. BC Bangalore is put up for approval.

22/6/37

TYPING
23 JUL 1937
GENL. & REV. SEC.

The President Dk BC Bangalore 2.
(Thro the D.C. Bangalore)

No L76 LB158-36-2 dated 11th July 1937

Informs him that no action is ~~called~~ called for in the present circumstances.

'B'

3/6/37

LB 158-36—1

OFFICE OF THE PRESIDENT,
DISTRICT BOARD, BANGALORE.

No. C-2-431/36-37

Dated, Bangalore, 27th May 1937.

5453

From

H. R. GURUV REDDY, Esq., B.A., LL.B.,
President, District Board,
BANGALORE.

To

The Secretary, to
The Government of Mysore,
Development Department,
Bangalore.

5 JUNE 1937
L. G. B. BANGALORE

Through:-
The Deputy Commissioner, Bangalore District.

Sir,

C2 30 MAY 1937 2205

1) *I have the honour to state that under section 55 of the District Board Regulation the District Boards are subject to the provisions of the Village Panchayet Regulation empowered to enforce that no place within the area under its authority shall be used for any of the purposes specified in Schedule II of the District Board Regulation without obtaining a license from the President of the District Board while under section 30 of the Village Panchayet Regulation the Panchayet Authorities are also empowered to similarly regulate the items referred to in schedule 2 by issuing licenses.*

2) *While exercising the powers vested under these sections in each of the local bodies, the functions of the District Board and those of the Village Panchayet are found to be overlapping. To cite a few instances the Board issued notices to some vendors of mutton stalls in Jodi Kempapura Village, Bangalore Taluk requiring them to obtain licenses from the District Board to continue to run their mutton stalls while the Village Panchayet of Kempapura have also taken similar action under section 30 of the Village Panchayet Regulation. Thus, the jurisdiction of these two local bodies in the exercise of their respective powers conferred on them by the two Regulations is conflicting and overlapping.*

3) I am however of opinion that as the position just stan-- it is the District Board that can, in the first instance, regulate the Opening of these mutton stalls and other items of trade specified in schedule II of the District Board Regulation by issuing licenses and levying fees while the Village - , Panchayet Authorities can only permit these vendors to carry on their trade by levying shop tax thereafter.

4) Under these circumstances, I request that a clear ruling of Government on these matters where the powers and functions of these two local bodies viz. the District Board and the Village Panchayets overlap and conflict each other in their respective jurisdictions may be kindly obtained and the same intimated early lest the interest and powers of either of the Local Bodies should suffer for want of a clear understanding of their powers and jurisdictions to exercise them.

I have the honour to be,
S i r,
Your most obedient servant,

28/5

P r e s i d e n t,
District Board.

W.D.I

A.B. 197
36.37

Forwarded with compliments

Udayarpalayam
Deputy Commissioner
13/6/37

10.84
2.6

30.5.37

Appendix F G—1]

SUBJECT .....

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Section L.B.

File No. 158-36

Serial No. 2

Diary No. of letter replied to.....

No. L.76

To

The President Dh Board. Bangalore

(Thro: the D.C. Bangalore Dh)

General and Revenue Secretariat

( )

the *193*

Sir,

With refee. to your letter no C2-431/36-37 dated 27th May 1937, pointing out that in certain cases, the provisions of the Dh Board Regn of 1924 Conflict and overlap with certain sections of the Village Panchayet Regn and soliciting a clear ruling of Govt on these matters etc, I am directed to state as follows.

Date of issue..... 1.7.37

Signed by ..... for S. to G.

List of enclosures.....

Copied by ..... WCR 2/7/37

Examined by.....

The power vested in the Dh Board under Section 55 of the Dh Board Regn. is subject to the provisions of

of the Village Panchayet Regn. it follows therefore that in respect of matters mentioned in Sec 5-5 the Jurisdiction of the Dt. Board is ousted, where the Village Panchayet is empowered to act. Regarding the shops for the Sale of Meat Govt. have declared under Sec 30(4) of the V.P. Regn. that it is a dangerous or offensive trade, and that according to that Section a ~~licence~~ license must be obtained from the Panchayet before the place is used for such a trade. When the Village Panchayet is thus empowered to grant license for Meat shops within the area under its Authority, the Dt. Board also cannot Exercise similar authority over the same area. Otherwise there will be a clash of interest between the two local bodies. ~~It~~ It is just with the object of preventing such a clash that in Sec 55 of the Dt. Bd. Regn. the power of the Dt. Bd. is made subject to the provisions of the V.P. Regn.

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT

(*Continuation sheet draft form.*)

other matters

As regards ~~the~~ ~~suggestion~~ case which there is said to be ~~in~~ ~~para 4 of your letter~~ I am to ask that of the ~~request you to point out~~ specific ~~matters~~ in which there is likely to be overlapping or conflict between the two Regulations, ~~as~~ pointed out, the question will be examined & need not under present

I have &c.

h-

Secy to Govt
Dev Dept
12/6/37

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. £L76 / Lr. 158-36-2

Bangalore, Dated, ~~24th~~ June 1937

From

The *Secretary to the Government of His Highness the Maharaja of Mysore, Development Department.*

To

The President, District Board, Bangalore

(Through the Deputy Commissioner, Bangalore District)

Sir,

With reference to your letter No.C 2-431/36-37 dated 27th May 1937, pointing out that, in certain cases, the provisions of the District Board Regulation of 1926 conflict and overlap with certain sections of the Village Panchayet Regulation and soliciting a clear ruling of Government on these matters etc, I am directed to state as follows :-

The power vested in the District Board under Section 55 of the District Board Regulation is subject to the provisions of the Village Panchayet Regulation. It follows therefore that in respect of matters mentioned in Section 55, the jurisdiction of the District Board is ousted, where the Village Panchayet is empowered to act. Regarding the shops for the sale of Meat referred to by you. Government have declared under Section 30(1) of the Village Panchayet Regulation that it is a dangerous or offensive trade, and according to that section a license must be obtained from the Panchayet before the place is used for such a trade. When the Village Panchayet is thus empowered to grant license for meat shops within the area under its authority, the District Board also cannot exercise similar authority over the same area as otherwise there will be a clash of interest between the two local bodies. It is just with the object of preventing such a clash that in Section 55 of the District Board Regulation, The power of the District Board is made subject to the provisions of the Village Panchayet Regulation.

As regards other matters in which there is said to be

be conflict, I am to state that if the specific provisions in which there is likely to be overlapping or confict between the two Regulations are pointed out, the question will be examined and needful orders passed.

I have the honour to be,

Sir,

Your most obedient servant,

For Secretary to Government,
Development Department.

mk.